

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION  
FILE No. 1:19-CV-00272-LCB-LPA

**NOW COMES** Defendant, North Carolina Department of Public Safety (“NCDPS”), by and through undersigned counsel, Special Deputy Attorney General James B. Trachtman, and moves for a six-day extension of its Reply deadline in this matter. In support of this motion, NCDPS states as follows:

1. The original group of Plaintiffs, all current or former employees or dependents of current or former employees of certain North Carolina state universities (collectively “University Defendants”) enrolled in the State Health Plan, commenced the present action by Complaint (the “Original Complaint”) filed with this Court on March 11, 2019. ECF-1.

2. Plaintiffs named as defendants the University Defendants, the State Health Plan, North Carolina State Treasurer Dale Folwell (“Defendant State Treasurer”), and State Health Plan Executive Director Dee Jones (“Defendant Plan Executive Director”). *Id.*

3. In their Original Complaint, Plaintiffs alleged they were transgender individuals suffering from gender dysphoria. *Id.* at ¶ 1.

4. They contended that the State Health Plan's exclusion of coverage for gender-

confirming healthcare treatment for gender dysphoria violated their Equal Protection Rights under the federal Constitution, Title IX of the of the Education Amendments of 1972, and the Patient Protection and Affordable Care Act. *Id.* at ¶¶ 124-57.

5. Plaintiffs and the University Defendants have since entered into a settlement agreement, and upon the parties' request, the Court dismissed with prejudice Plaintiffs' claims against the University Defendants. ECF-110 and -112.

6. With permission of the Court, Plaintiffs filed their Amended Complaint on March 9, 2021, adding Plaintiff Caraway as a plaintiff and NCDPS as a defendant. ECF-75.

7. NCDPS filed an answer on April 16, 2021. ECF-96.

8. The parties completed discovery in October 2021.

9. NCDPS filed its dispositive motion on November 30, 2021. ECF-132.

10. Plaintiff Caraway filed a Response to NCDPS's dispositive motion on December 30, 2021, ECF-187, making NCDPS's Reply thereto due January 13, 2022.

11. Plaintiff Caraway also filed a dispositive motion on December 20, 2021, ECF-178, making NCDPS's Response thereto due January 19, 2022.

12. Accordingly, in the interests of judicial economy, NCDPS seeks a six-day extension of time to file its Reply to Plaintiff Caraway's Response, such that the due date for NCDPS's Reply is the same as the due date for NCDPS's Response to Plaintiff Caraway's dispositive motion, specifically, January 19, 2022.

13. Counsel for Plaintiff Caraway consents to the requested extension of time.

WHEREFORE, NCDPS seeks a six-day extension of its Reply deadline until through and including January 19, 2022.

Respectfully submitted, this 13<sup>th</sup> day of January, 2022.

JOSHUA H. STEIN  
Attorney General

/s/ James B. Trachtman  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date indicated above, I electronically filed the foregoing  
**NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY'S CONSENT MOTION FOR**  
**AN EXTENSION OF THE DEADLINE TO FILE REPLY BRIEF** with the Clerk of the Court  
using the CM/ECF system which will provide electronic notification to counsel.

DATED: January 13, 2022.

/s/ James B. Trachtman  
James B. Trachtman  
Special Deputy Attorney General